L 7. 139-93

G. R. S. IX-5]

Previous references.

Mem. 645 - 97
" 51 - 96
" 10 - 88.

Later references.

1901-02

191 .

(Mem)

File No. 101 - 01

Serial Nos. 1 — 11

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 — 11

M ~~Part~~ B for Dec^r 02

SUBJECT.

Procedure regarding the recovery of the "Registration fee" from the foreign liquor-dealers

---

Submitted

W D 1250—GPB—30,000 - 28-1-19

Note

Serial No: 26

Letter no. 18 dated the 13th July 1901 from the President of the ~~Bombay~~ Mysore City Municipal Commission

---

In the above letter the President solicits permission to allow dealers in spirituous or intoxicating liquors to pay the Municipal Registration fee by monthly kists instead of in two equal half yearly instalments of Rs 90/- each, as at present.

2. The grounds for this concession are :-

a) The Excise department grants a license to an accepted bidder on his

depositing an amount equal to two months' Khists; and this the dealers are prepared to do in the case of the Municipal levy.

2. The present system is disadvantageous to the Municipality. For the licensee holder generally begins to sell before he takes out the certificate of Registration from the Municipality; and if he discontinues his trade within two months, there will be a loss to the Municipality for two months' income.

3. The present system is not appreciated by the dealers in liquor. And

4. the concession, if shown, is calculated to bring in more bidders at the Excise sale.

Note. Prosecution under the Regulation can only be launched for exercising the trade for the space after expiry of 2 months in any one Calendar year. (Vide cl. 62)

3. At Bangalore,

as at Mysore, the fee is levied in two half-yearly instalments, without any hardship being felt by the dealers

4. Section 58 of the Municipal Regulation, under which the fee in question is being levied, contemplates the registration of each such shop annually, the schedule to it prescribing the rates per annum. But section 57, which may be taken as applicable to all trades and or callings generally lays down clearly that such fees "shall be payable in two equal half yearly instalments on or before the 1st of June, and on or before the first day of December in each year".

5. The office begs therefore

to submit that the

President's recommendation is

inadmissible as it is not in

conformity with the provisions

of the Mun. Regulations.

b. Submitted for 2.6.8.01

orders as to whether the

President may be informed

that his recommendations

cannot be sanctioned for

the foregoing reasons & that

7. if there is a strong case

for amending the

Regulations, the Rule

"nem. obst." may

be taken & a further

reply made

11/9/07

8. 11-9-07 Papers to the

System working

in the City Municipality

Plans

18/9

& [illegible] to Station 20.9.

- B. opinion about

on Bengalee

9. The President of the Bangalore City Municipal Commissioner was accordingly requested to report the practice prevailing in the City and Station Municipalities.

+ No 6049/139-93 dt 9-10-01 (Pl20)

10 In reply, he states that in the City the yearly fee specified in schedule E. II of the Municipal Regulation is levied from dealers in spirituous and intoxicating liquors, in advance, in two equal half-yearly instalments, and that that mode of collection has been complained of by them as a hardship. He is in favour of the Mysore City President's suggestion, and understands that the District Excise department undertakes to collect the monthly instalments due to the Municipalities above

+ Letter No 167 dt 20/11/01 (Pl30)

along with the Excise Circle
as otherwise the difficulty of
collection increases. He
however, suggests as an
alternative course, that
the Taluk Shroff who now
recovers the charge on excess
sales of arrack may likewise
recover the Municipal
Registration fee every month,
as that official is already
getting a monthly allowance
of Rs 5/- from the Municipality.

11. As regards the practice
in the T & M Station he
states that no separate
Registration fee on liquor
shops is levied as there is
no provision therefor in the
Municipal Law in force
in that place and that
it is only the profession tax
is being levied.

Submitted

(7)

for orders with reference
to the 3rd Counsellor's
orders contained in para 8
supra.

D.J. 26/11/01

10/12/1901

4/02
(408).

12 (1) system contrary
to the provisions of
the Immigration
Regulations cannot
be sanctioned
without amending
the Law. If such
a course is con-
sidered desirable
both the Presidents
may be requested
to submit a
recommendation
after with the Board's
opinion.

8/1/02

Issue form
8/1/1902

A.S.M.
D.J. 8/1/02
Recd + drafted Mal
9/1/02

13 The order overleaf was duly communicated to the Presidents of the Bangalore and Mysore City Municipal Commissions in Progs: no. 11728-29 / LF 139-93 & the 16th January 1902.

+ serial no. 31

14 The Municipal Commissioners of the Bangalore City have resolved "that no alteration in the present law is necessary". The Commissioners of the Mysore City Municipality also have decided to levy the Registration fee "as laid down in the Regulations". But in submitting a copy of this decision the President observes as follows:-

serial no. 33/a

vide Presidents letter no. 843 dy 6th May 1902

"I am of opinion that experience has afforded

ample proof of the hardship of the present arrangement and beg strongly to recommend that the law may be amended so as to admit of the registration fee being recovered in easy monthly instalments as already recommended in my letter No. 4[illegible] dated the 13th July 1907".

Serial No. 26

~~Considered for orders.~~ The ~~recommendation~~ ~~of the~~ ~~President~~ empowering the President to overrule the Board's resolution.

In minor municipalities, the President, who wishes to overrule the Board's resolution must lay the matter again before the Board and communicate their final resolution with his remarks thereon. Similar provision does not exist

Proc. 4834. of 24.9.92
L.3120.92

Spare Copy ordered (sd)

the City municipal Regulation
nor are there precedents
of the kind in Bangalore or
Mysore City Submitted
for
orders

Drg 5/6/02
7/6

The recent precedent
contained in Proc. dts 19/10
L 270-9-07
11/6/02 (21/6) is put up

Drg 15/6/02

L 21/6/02

As the balance of opinion is
in favour of 'no amendment'
I draft a reply accepting & submit
for approval to the Dewan through
the 2nd Councillor.

Drg 8/11

7/11

I get rel. to file
the rule case
there has been
a Govt
Order in the
Secretariat
11

Govt are not pre-
pared to alter the
law & to
authorise payment
by monthly instead of
by half yearly
instalments."

A short reply as
above may be
drawn up.

4/11/0

Reply in two
words will do
2. XII 02

Dewan requests that
Reply accordingly
to me - 11

3/12 as 4/12/0

A.S. to
Govt Drg 4/
Dft 4/

To the Dewan

25/4

7517

25/11/02

No. 48

Enc. No. ,,

MYSORE CITY MUNICIPAL PRESIDENT'S OFFICE,

Dated 13th July, 1901 ~~189~~

L.61/593.

To

The Secretary ~~to the Government~~
of Mysore
General and Revenue Depts.,

SIR,

I beg to state that under Section 58 of the City Municipal Regulation, every retail dealer in Spirituous or intoxicating liquors within the limits of the Mysore City, is required to register the place of sale and to take out a Separate Certificate for each of such places. If any one fails to do so, he is liable to be prosecuted under Section 62 of the City Municipal Regulation within two months after he Commenced to carry out such trade.

Now the Excise Department grants a license to an accepted bidder to sell arrack on his depositing an amount equal to two months' Kists and the license holder generally begins to sell before he takes

he finals

of Registration from the Municipality. But if this licensee discontinues his trade within two months - as it happened in some instances -, the Municipality suffers a loss of Rs 15/= on each such shop per month.

Further, I beg to submit that the experience of the past four years shows that license-holders as a rule, avoid taking out certificates till Complaints are lodged against them before the City Magistrate. The usual plea of the license-holders is that they are unable to pay the fee of Registration, namely, Rs 90/= half yearly in a lump-sum. They have often petitioned to be allowed to spread the payment over 6 months. They agree to deposit along with the deposit of Excise Khists, Rs 30/= as an advance and to pay Rs 15/= per each shop with the monthly Khists, besides excess fee.

As this prayers are

(14)

are reasonable, I request that you will be good enough to obtain the sanction of Government to follow the above procedure, which will not only save loss to the Municipality, but also tend to increase the number of bidders at the Octroi sale.

I have the honor to be,
Sir,
Your most obedient Servant,
Thanjavur City
For President

(15

Mil 101-1

To

Sec'y. The President,
Mun. Comm.
101-C
Serial No. 9
Mun. Comm.,
Bangalore City.

R.L. 581.

6049 9/10/10/1901.
139-93
Mine

In forwarding herewith copy of the letter no 48 dated the 13th July 1901 from the President of the Mysore City Municipal Committee, I have the honour to request that the President of the Bangalore City Municipality will be good enough to report the practice prevailing in the Bangalore City as regards the collection of the Municipal Registration fee from dealers in spirituous or intoxicating liquor and to favour me with his opinion on the Mysore City Municipal President's recommendation.

From the same
167 B 20/11/01 L 850.

"By order"

2nd Mun. Comm. Mil
Send an urgent Unstamped
reminder to the City of Mysore
in the same as in the
C. Mun. Section
2113 Mil
5.X.01

(3rd Con. order)

Rec'd 5.5.01

7/10 24/9/1901 2

For Secty.
Mil 25.

dear sir

L. 85 / 6564 / 23.1.01

Office of the Municipal Commission,

City, Bangalore, 20th November 1901

No 164

From

THE PRESIDENT,

Municipal Commission,

BANGALORE CITY.

To

THE SECRETARY TO THE GOVERNMENT OF MYSORE,

General and Revenue Departments,

BANGALORE.

Sir,

With reference to your docket No 6049 / L.F.139-93 and reminder No 7652 / L.F.139-93 dated the 9th October and 18th November 1901 respectively regarding the practice prevailing in this Municipality in the matter of levying Registration fee from dealers in Spirituous or intoxicating liquors, I have the honor to state that the yearly fee specified in Schedule C II of the Bangalore Municipal Regulations of 1891 is levied from them in advance and in two equal

half yearly instalments. This mode of Collection has been complained of by the Shop keepers of the Bangalore City as a hardship. The suggestion of the President of the Mysore City Municipality commends itself. It is, however, understood that the District Excise Department undertakes to Collect the monthly instalments due to the Municipality along with the Excise Khists as otherwise, the difficulty of Collection increases. Another course that suggests itself is that the Taluk Shroff who now recovers the Change on Excess sale of arrack may likewise recover the Registration fee due to Municipality every month. This official is already

getting

getting a monthly allowance of Rs 5/- from the Municipality.

In the Civil and Military Station no separate Registration fee on liquor shops is now levied as there is no provision therefor in the Municipal Law in force in that place. It is only the professional tax that is being levied.

I have the honor to be
Sir
Your most obed. Servant

Municipal Commissioner

President.

No 36

(19

Read.

Correspondence ending with letter no. 167 dated the 20th November 1901 from the President of the Municipal Commission, Bangalore City, in regard to the proposal of levying the Municipal Registration fee from dealers in spirituous and intoxicating liquors ~~in the two Cities~~ by monthly instalments instead of by two equal half yearly instalments as heretofore.

Section Mund
R No 101-01
Serial No 4

Mund 101-01

50 4

made by the President Mysore City ~~Bangalore~~ Municipality

R. L. 1112

Order thereon No 11728-29 / L7.139-93 dated 16/4/02

A system of collection which is contrary to the provisions of the Municipal Regulation cannot be sanctioned without amending the Law. If such a course is however considered desirable

* Law, to be for approval

desirable, the Presidents
of the Municipal Commissions,
Bangalore and Mysore, may
submit a recommendation
with the opinion of the Boards ~~opinions~~ Concerned.

2d. Cir Order) 11/1/1902
For. Secty
Rej 9/1/02

To

The Presidents of the
Mal Commissions,
Bangalore & Mysore

L. 1399/1038. (91)

Office of the Municipal Commission,

City, Bangalore, 18" February 1902.

No 257/1

From

THE PRESIDENT,

Municipal Commission,

BANGALORE CITY.

To

THE SECRETARY TO THE GOVERNMENT OF MYSORE,

General and Revenue Departments,

BANGALORE.

Sir,

With reference to Government Proceedings No 11728-29/L.7 139-93 dated the 16" January 1902 and subsequent reminder desk opd reference No. X 13281-2/L.7 139-93 dated the 12" February 1902. I have the honor to submit herewith a copy of the Boards' Resolution dated the 30" January 1902 expressing their disinclination to make any alteration in the existing rules in the matter of collecting

(22)

Registration fee from the dealers

in Spirituous and intoxicating liquors

I have the honor to be

Sir

Your most Obedient Servant

Massachusetts

President

Extract from the Proceedings of the

Ordinary Meeting of the Board of

Commissioners for the City of P.O. Jubbulpore

on Thursday, the 30th January 1902

10. Government Proceedings No. 11726-29—L. F. 159-80 dated the 1st January 1902 declining to sanction the proposal made by the President of the Hyderabad Commissionerate for levying the Municipal Registration fee from dealers in spirituous and intoxicating liquors by monthly instalments instead of by two equal half yearly instalments as heretofore.

× × × ×

Resolved that no alteration

in the present law is necessary

(Sd.) H. S. Vincent Pitt

President

Extract

Secretary

Vice President

1-5- 10991

1902

From The President City Municipality Mysore

To The Secretary to the Govt of Mysore Genl and Rev Depts.

Dated
Despatched } 19th February 1902
Received

General No. 619
No.

Enclosure No.

Section Genl
File No 101-01
Serial No 6

To the Board No 1465-5-2/3/02

Yb 23
1/3

Ref No 1172 8-29 dated 16th ultimo and subsequent reminder No 13281-2/2 of 139-93 of 12th instant, requesting the early submission of the opinion of the Board regarding the levy of Registration fee from dealers in spirituous and intoxicating liquors by monthly instalments instead of by half-yearly instalments

---

I am directed to inform in reply that the subject is before the

Ref 22 2 02
Genl 101-06

Kindly the receipt of the honoured communication be awaited 24/2/02

the Board for their consideration at their meeting to be held on the 22nd February 1902

R. Simmonds

For President

P.V.G

(26)

From

THE SECY. TO THE GOVT. OF MYSORE.
GEN. & REV. DEPTS.

To

The President
Mysore City Municipal

Dated 5/3/02.

Despatched

Received

R.L. 1422

General No. 14655
L.J. No. 139-93

Enclosure No.

His Dr 6198 19/2/02 stating that the subject of levying the Registration fee from dealers in intoxicating liquor by monthly instalments instead of the yearly lump sum be placed before the Board on 22/2/02 for their Consideration

The early submission of the resolution of the Board is awaited.

By order,

Draft
3/3/02

3/3/02
for Secy

SBP—1,000—1901-4.

L1681

Submitted. May this be filed and reminder issued if no reply is received within a fortnight from this date.

Sd 11/4/02

14/4/1902

Dated

Despatched 3rd April 1902.

Received

General No. 757

No.

Enclosure No.

Section Mysore

File No 101-01

Serial No 3

From The Hon'ble Rao Bahadur Dewan Kantaraja Urs Avargal C.I.E. President City Municipality Mysore.

To H. V. Venkatayya Esq. Secretary to the Govt of Mysore,

Ref his No 14655 dated 1-3-1902 instant requesting the early submission of the resolution of the Board on the subject of levying the registration fee from dealers in intoxicating liquors by monthly instalments instead of half yearly.

I have the honor to inform in reply that as the shop-keepers complain of the hardship involved in paying the registration fee in two instalments the question has again to be placed before the Board for

for their reconsideration at the next meeting and
their resolution will be submitted to Government

For President

MD.

(29)

From

The Secretary
to the Board of Liquor
Gen: Rev: Dept.

S9

Mil 101-01

To

The President
Liquor city - municipality.

Section Miscl
File No 101-01
Serial No 9

Rd. 1788

No 17700
L.T. 139-93 } 5/5/1902

✓

His No 75-793rd April 1902, stating that the question of levying the Registration fees from dealers in intoxicating liquors will again be placed before the Board for their reconsideration at the next meeting and their resolution submitted.

Has the honor to request the very early submission

submission of the Resolution
of the Board as promised
in the above.

By order

Draft
1/5/1902

JWB
3/8
Secy
Dup 1/5/02

14225 1882

1902 (27)

From H Ramasamy Iyengar Esqr
President Coy Municipality Negapatam

To
H V Nanjundayyah Esqr m.A Bon L
Secretary to the Govt of Madras
Genl and Rev Depts.

Dated 5th May 1902
Despatched } 6th May 1902
Received }

Section Mscl
File No 101-01
Serial No 10

General No. 863
No.

Enclosure No. /

Soliciting permission to recover the registration fee from dealers in intoxicating liquors on easy monthly instalments for reasons stated

To the Govt
for Rs 1-2-0

139/98
L.B.B
8/5

A.S.M
Dy 14/5/02
Memo ante
Mad
19/5

The city mun[l] C[o]
Dated 5 = may 1902

No 843

From

H. Ramanuja Iyengar Esqr
President city municipa
-lity Mysore

To

H. V. Nanjundayyah Esquire
M.A. M.L.
Secretary to the Govt
of Mysore
General and Revenue depts,

Sir,

In reply to your no 11728-29
dated 16th January 1902, stating that
-ed no 2-7 139-93
any change in the present System of col-
-lection of the registration fees from
dealers in intoxicating liquors cannot
be sanctioned without amending the
law and that if such a course is con
-sidered desirable a recommendation
may be made with the opinion of the
Board, I have the honor to state
that Section 58 of the Municipal Regula
tions, requires that the registra
fee should be paid annually.

On the representation
the then President, the Government re
leased to direct in their P.D
no 8032-245 A dated 5th march 1896,
the registration fee should be levied

in advance in two half-yearly in-
-stalments. This concession was not
of much avail and the dealers con-
-tinue to make default

At the last meeting of the
Board which was presided over by
the Vice President as I was absent from head
quarters, these provisions of the Mu-
-nicipal Regulations were explained;
but the Board came to the conclusion
that the registration fee should be
levied as laid down in the Regulation.
Copy of the resolution of the Board on
the subject, is submitted

I am of opinion that ex-
-perience has afforded ample proof
of the hardship of the present ar-
-rangement and beg strongly to re-
-commend that the law may be
amended as to admit of the regi-
-stration fee being recovered in easy
monthly instalments as already
recommended in my letter of

No 481 dated 18th July 1901

I have the honour to be,
Sir,
Your most obedient Servant
Kruseenberg
Der President
WD

Proceedings of the Mysore City Municipal Board, dated 26th April 1902

x x x

X/ Reconsideration of the resolution of the Board on the subject of levying the registration fee from dealers in intoxicating liquors by monthly instalments instead of half years, as the shop-keepers complain of the hardship involved in doing so.

Resolution the registration fee is to be levied as laid down in the regulations.

x x x

(Sd) K. Srinivasa Rao
Vice President

Copy.
K. Srinivasa Rao
Vice President

of by half yearly instal-
ments.

Dewan's order

4/12/1902
For Secy.
4/12/02

To

The Presidents of
Munl Commissions
Mysore and Bangalore